

REMARKS

Reconsideration of this application is respectfully requested.

I. Status of the Claims

Claims 1 and 9 are presently canceled and claims 2-5 and 18 were previously canceled without prejudice or disclaimer. Claims 8, 10, 11, 15-17, 19, 20, 22 and 23 were previously restricted by the Examiner and are withdrawn from consideration. New claims 26 and 27 are added without the addition of new matter. Claims 6-8, 10, 12-14 and 19-25 are currently amended. No new matter is added.

Upon admission of this amendment, claims 6-8, 10-17 and 19-27 will be pending in the application. Claim 1, 6-7, 12-14, 21 and 25-26 are currently examined.

II. Telephone Interview

Applicants thank the Examiner for holding a telephone interview on July 29, 2009. During the interview, the patentability of the claims in view of the presently cited prior art was discussed, and certain claim amendments were suggested, as discussed *infra*. The Examiner recommended clarifying the claim language, in particular with respect to the terms “first and second edges” and “terminal end edges.” Applicants have amended the claims accordingly. The term “first and second edges” now refers to the terminal end edges in the longitudinal direction of the interlabial pad and “first and second terminal end edges” refers to the longitudinal terminal edges of the mini-sheet. The Examiner also indicated that claim 1 should be amended to clarify an inconsistency in the claimed position of the protruding portion and the fold. Because claim 1 had already been extensively amended, Applicants felt it best to simply write a new claim to replace claim 1. Thus Applicants have canceled claim 1, and added new claim 26, which is an amended form of claim 1. The dependent claims have been amended to depend from claim 26, where appropriate.

III. New Claims

New claims 26 and 27 are added. New claim 26 is an amended form of claim 1. Thus, herein, Applicants address the rejections of claim 1 with respect to claim 26. No new matter is added. Support for new claim 27 may be found, at least at ¶ [0179] of Applicants' published Specification. Applicants believe claims 26 and 27 are in condition for allowance.

IV. Information Disclosure Statement (IDS)

Applicants thank the Examiner for indicating that the art cited in the IDS filed September 5, 2008 has been considered. This IDS replaces the IDS filed without the appropriate fee on February 5, 2008.

V. Specification and Drawings

The substitute Specification filed January 7, 2009 including the Abstract is objected to and has not been entered by the Examiner. The Drawings are also objected to. Applicants briefly discussed these objections with the Examiner by telephone on June 30, 2009. Applicants thank the Examiner for indicating that the objections to the Specification and Drawings may be held in abeyance until a finding of allowable subject matter. Applicants therefore do not submit a substitute Specification or amended Drawings with this Amendment.

VI. Claim Objections

Claims 1, 6-7, 9, 12-14, 21 and 24-25 are objected to because of various informalities, discussed in turn, below. Claims 1 and 9 are presently canceled, and thus, the objections to claims 1 and 9 are moot. Applicants have addressed the Examiner's objections to claim 1, where applicable, however, in new claim 26.

The Examiner requires amendment of the language in claim 21 and objects to claim 21 as being redundant. Applicants have amended the language of claim 21 as the Examiner instructed. Claim 21 has also been amended to depend from new claim 26. As amended,

Applicants respectfully submit that claim 21 is not redundant to new claim 26, since claim 21 further narrows claim 26 to require that the mini-sheet is specifically arranged “opposite to the cavity opening.”

Applicants believe that they have addressed each of the Examiner’s objections to the claims.

VII. Rejections under 35 U.S.C. § 112

Claims 1, 6-7, 9, 12-14, 21 and 24-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 9 are presently canceled, and thus the rejections of claims 1 and 9 are moot. Since new claim 26 is an amended form of presently canceled claim 1, Applicants address each of the Examiner’s rejections of claim 1 with respect to claim 26.

The Examiner objects to the use of the term “a length of a longitudinal centerline”, contending that such a limitation is not supported by the original disclosure. Claim 26 does not use this term. Claim 26 requires the interlabial pad to have “*a substantially rectangular shape ... [and] first and second edges at opposing terminal end edges in a longitudinal direction of the interlabial pad*” (emphasis added). Support for the emphasized limitations may be found at least at Applicants’ published Specification at ¶¶ [0016] and [0103] and with reference to Applicants’ FIGs. 1 and 5.

Applicants respectfully submit that because the interlabial pad has a substantially rectangular shape, any portion of the interlabial pad has substantially the same length in the longitudinal direction. Thus, a limitation reciting a length in the longitudinal direction, such as, e.g., “a total length in the longitudinal direction of 50% to 80% of an entire length of the interlabial pad” is definite. Further, as discussed in Applicants’ Response of May 5, 2008, Applicants submit that the length ranges are disclosed in a section of the Specification entitled “Dimension of the interlabial pad,” which generally describes these inventions (see, e.g., page 29, line 17 through page 30, line 16 of the originally filed Specification). As no particular

limitations are disclosed restricting any portions of the ranges to any particular embodiments of the invention, Applicants submit that values within the disclosed ranges must be suitable for any of the disclosed embodiments of the invention. Applicants therefore submit that the specification provides adequate support for each of claims 6-7, 12-14, 21 and 24-25.

Accordingly, Applicants respectfully request that the rejection of claims 6-7, 12-14, 21 and 24-25 under 35 U.S.C. § 112, first paragraph be withdrawn.

VIII. Claim Language Interpretation

The Examiner asserts that first and second edges at opposing ends on lines 5-6 of claim 1 are still not required to be terminal end edges of the pad. Further, the Examiner contends that the extent of each opposing end with regard to the overall extent of the pad have not been set forth.

Applicants believe that claim 26, which replaces claim 1, clearly defines the position of the claimed edges of the interlabial pad and mini-sheet. Claim 26 requires that the claimed first and second edges of the interlabial pad are at opposing terminal end edges in a longitudinal direction of the interlabial pad. Thus, it is clear that, with regard to the overall extent, the claimed first and second edges are at opposing terminal longitudinal ends of the pad. To clearly distinguish these first and second edges from the edges of the mini-sheet, claim 26 terms the first and second edges of the mini-sheet as “first and second *terminal end edges*” (emphasis added).

The Examiner states that “a length” is not required to be the entire length. To clarify what length is claimed, claim 26 recites: “a *total* length in the longitudinal direction of 50% to 80% of an *entire* length of the interlabial pad.” Applicants have also amended claim 6 to recite a “maximum length.”

IX. Rejections under 35 U.S.C. §§ 102, 103

Claims 1, 6-7, 9, 12-14, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO 99/01093 to Wierlacher. Claims 24-25

are rejected under 35 U.S.C. § 102(b) as being anticipated by Wierlacher or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Wierlacher. Applicants respectfully traverse these rejections. Applicants have canceled claims 1 and 9, and thus the rejections of claims 1 and 9 are moot. However, as stated above, Applicants address the Examiner's rejection of claim 1, with respect to new claim 26.

The Examiner contends that Wierlacher discloses each and every aspect of Applicants' invention as claimed in claim 1 (new claim 26). Applicants respectfully disagree.

Applicants respectfully submit that the present invention, as claimed in claim 26, is distinguished over Wierlacher by at least the following features, discussed in turn below:

- (1) the substantially rectangular shape of the interlabial pad;
- (2) the length of the mini-sheet;
- (3) the position of the protruding portion; and
- (4) the manner of formation of the finger restriction portion.

(1) Applicants respectfully submit that Wierlacher does not teach that the interlabial pad has a substantially rectangular shape, as claimed in claim 26. Support for this limitation is found at least at Applicants' published Specification at ¶¶ [0016] and [0103]. In contrast, Wierlacher discloses a substantially oval-shaped interlabial pad. See, e.g., FIGs 1-3 and 6-8 of Wierlacher.

(2) Claim 26 requires the mini-sheet to have "a total length in the longitudinal direction of 50% to 80% of an entire length of the interlabial pad" (emphasis added). Applicants respectfully submit that Wierlacher fails to teach that the mini-sheet should have a length in this range. In contrast, Wierlacher teaches that the mini-sheet (handling aid 58) should be a narrow strip (Wierlacher at paragraph spanning pp. 26-27) (emphasis added):

As illustrated in the preferred embodiment of FIG. 6, the handling aid *does not extend* in a longitudinal direction *over a major portion* of the length of the disposable absorbent article; preferably, it extends over *less than 10%* of said

length, being *more preferably a narrow strip* with a width, extending in said longitudinal direction, of about 1 cm.

Since Wierlacher discloses that the handling aid (mini-sheet) does not extend over a major portion of the longitudinal length of the article, Wierlacher teaches away from Applicants' claimed mini-sheet, which extends over a major portion of the length (50- 80% of the length) of the entire interlabial pad. Thus, Wierlacher does not teach or suggest Applicants' claimed length of the mini-sheet.

(3) Applicants respectfully submit that Wierlacher fails to teach a protruding portion that extends the entire length in the longitudinal direction of the interlabial pad, as claimed in Applicants' claim 26. Claim 26 requires the protruding portion 2 to be formed by and to be co-extensive with a fold that extends from the first edge to the second edge of the interlabial pad (*i.e.*, extends the entire longitudinal length of the interlabial pad). Support for this feature may be found at least with reference to Applicants' FIG. 1. Wierlacher in no way teaches or suggests a single fold that extends the entire length of the article. In contrast, Wierlacher teaches an article that has two separate longitudinal folds. Moreover, the protruding portion of Wierlacher does not extend from one terminal edge of the pad to the other terminal edge in the longitudinal direction, as claimed in claim 26. As shown in FIG. 4, the protruding portion 50 of Wierlacher extends from the mid section 42 of the article in the longitudinal direction.

(4) Applicants respectfully submit that Wierlacher fails to teach or suggest the manner of formation of Applicants' finger restriction portion, as claimed in claim 26. Claim 26 requires that the finger restriction portion 8, see, e.g., Applicants' FIGs. 1 and 4, "is defined by two facing portions of a fold formed in the opposite face ... wherein the two facing portions are substantially parallel to each other in a plane that is substantially perpendicular to the fold, the two facing portions being directly bonded to each other at least at a respective portion thereof."

As claimed, the facing portions of a fold are directly bonded to each other in a plane that is perpendicular to the fold. The Examiner asserts that Wierlacher's handling aid 58 could be said to be directly bonded at opposing faces, since direct bonding "does not preclude bonding by monolithic formation." *See*, the Office Action at page 8. Assuming, *arguendo*, that

Wierlacher's handling aid does include direct bonding of facing portions of a fold, Wierlacher does not teach or disclose that these facing portions are parallel, and therefore bonded, to each other in a plane that is perpendicular to the fold. Therefore, Wierlacher does not teach or suggest Applicants' claimed finger restriction portion.

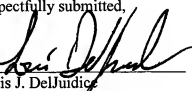
Thus, for at least the above reasons, Applicants respectfully submit that claim 26 is neither anticipated by nor made obvious by Wierlacher. Applicants respectfully submit that claim 26 is in condition for allowance. Since each of claims 6-7, 12-14, 21, 24 and 25 either directly or indirectly depend from allowable claim 26, Applicants submit that they are also allowable, for at least this reason. Applicants respectfully request withdrawal of the rejections of claims 6-7, 12-14, 21, 24 and 25 under 35 U.S.C. §§ 102, 103.

CONCLUSION

This is a response to the Final Office Action mailed April 1, 2009 and Advisory Action mailed June 15, 2009. It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

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Respectfully submitted,

By 

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